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<small>I hereby certify that this correspondence is being facsimile transmitted to the Commissioner for Patents in the US Patent and Trademark Office on <u>March 30, 2004</u></small>
<small>Name of Person Filing Document</small> <u>George Leal</u>
<small>Signature of Person Filing Document</small> <u>George Leal</u>

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**OFFICIAL**

P&amp;G Case 8431M

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the application of :  
Vladimir Gartstein et al. : Confirmation No. 4983  
Serial No. 10//078,043 : Group Art Unit 3739  
Filed February 19, 2002 : Examiner Michael F. Peffley

For Method And Apparatus For The In-Vivo Treatment Of Pathogens

**NOTICE OF APPEAL FROM THE EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby appeals under 37 CFR 1.191(a) to the Board of Appeals and Interferences from the last decision of the Examiner dated December 30, 2003 finally rejecting Claims 1-20. The fee for this Notice of Appeal is \$330.00 (37 CFR 1.17(b)).

A timely response to the final rejection has been filed.

The Director is hereby authorized to charge the above fees, or any additional fees that may be required, or credit any overpayment to Deposit Account No. 16-2480 in the name of The Procter & Gamble Company. An additional copy of this Notice is enclosed for that purpose.

Respectfully submitted,

By

  
Jay A. Krebs

Attorney for Applicant(s)

Registration No. 41,914

(513) 626-4856

Date: March 30, 2004

**Customer No. 27752**  
(appnot.doc) (Last Revised 10/10/2003)